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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
PETER HE, )  
 )  
Defendant. )  
\_\_\_\_\_ )

No. CR 08-0238 MHP

STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME FROM  
FEBRUARY 2, 2009 THROUGH  
FEBRUARY 23, 2009

On February 2, 2009, the parties in this case appeared before the Court for a status conference. The parties stipulated and the Court agreed that time should be excluded from the Speedy Trial Act calculations from February 2, 2009, through February 23, 2009, for effective preparation of defense counsel. The parties represented that granting the continuance was the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the

1 defendants in a speedy trial. *See* 18 U.S.C. § 3161(h)(8)(A).

2 SO STIPULATED:

3 JOSEPH P. RUSSONIELLO  
4 United States Attorney

/s/

5 DATED: \_\_\_\_\_

6 OWEN P. MARTIKAN  
7 Assistant United States Attorney

8 DATED:

CLARENCE & DYER, LLP

/s/

10 EDWIN K. PRATHER, ESQ.  
11 Attorneys for Peter He

12 As the Court found on February 2, 2009, and for the reasons stated above, an exclusion of  
13 time from February 2, 2009, through February 23, 2009, is warranted due to delay resulting from  
14 the transfer of a case, and because the ends of justice outweigh the best interests of the public  
15 and the defendant in a speedy trial. *See* 18 U.S.C. §3161 (h)(1)(G) and (h)(8)(A). The failure to  
16 grant the requested continuance would deny defense counsel the reasonable time necessary for  
17 effective preparation, taking into account the exercise of due diligence, and would result in a  
18 miscarriage of justice. *See* 18 U.S.C. §3161(h)(8)(B)(iv).

19 SO ORDERED.

20  
21 DATED: 2/19/2009  
22

